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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,780	03/04/2002	Marco Iori	3875-0106P	7258
2292	7590	04/15/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HAMZA, FARUK	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,780

Applicant(s)

IORI ET AL.

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on March 04,2002. Claims 1-27 are now pending.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

3. Claims 21-27 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 18. See MPEP § 608.01(n). Accordingly, the claims 21-27 are not been further treated on the merits.

4. Claims 1-2,4-5,7-25 and 27 are objected to because of the following informalities: Misspelling the term "characterised". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2155

6. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant failed to describe what is "cunbus port".

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The term "cunbus port" in claim 11 is a relative term which renders the claim indefinite. The term "cunbus port" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant failed to describe what is "cunbus port".

Art Unit: 2155

10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. The term "enjoying of services" in claim 1 is a relative term which renders the claim indefinite. The term "enjoying of services" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

12. Claim 1 recites the limitation "the use" in line 3. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 1 recites the limitation "the physical characteristic" in line 6. There is insufficient antecedent basis for this limitation in the claim.

14. All dependent claims of claim 1 have the same deficiency of their base claim.

15. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

16. The term "about 1 Mbps or greater" in claim 4 is a relative term which renders the claim indefinite. The term " about 1 Mbps or greater " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

17. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

18. The term "about at least 1 Mbps" in claim 7 is a relative term which renders the claim indefinite. The term " about at least 1 Mbps " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2155

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20. Claims 1,3,4,7,13-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Itsumi et al. (U.S. Patent Number 5,887,140) hereinafter referred as Itsumi.

21. Itsumi has disclosed:

- <Claim 1>

A user recognition system for automatic managing of accesses, the use of equipment, handling of goods or enjoying of services, including at least one central processor (2, 15), at least one peripheral unit (4, 11) with at least one detecting device (12) for detecting biometric data relating to the physical characteristic features identifying a user, characterised in that each peripheral unit (4, 11) is connected through at least one interface unit (5, 17) to said central processor (2, 15) by means of a communication network, and that each peripheral unit (4, 11) have at least one electronic card (14) suitable for permitting two-way transmission of biometric data acquired from said detection means (12) to said central processor (2, 15), through at least one interface unit (5,17) acting as a network card and interface between a port (19) of said central processor (2, 15) and said communication network. (Fig. 1; Column 4, lines 46-57; Column 5, lines 1-10)

- <Claim 3>

A system according to claim 2, characterized in that a transmission protocol used in said serial wiring portion is a high-speed synchronous serial transmission protocol. (Fig. 1, 13-1).

- <Claim 4>

A system according to any previous claim, characterized in that the said electronic card (14) comprises at least one communication chip (18) and is suitable for transmitting said data to said at least one central processor (2, 15) through said interface unit (5, 17) at a speed of about 1 Mbps or greater. (Column 3, lines 5-12).

- <Claim 7>

A system according to claim 5 or 6, characterised in that the said communication chip (18) is designed to create the communication, at a speed of about at least 1 Mbps, between a port (19) on said central processor (2, 15) and at least one of said electronic cards (14) associated with a respective peripheral unit (4, 11). (Column 3, lines 31-37).

- <Claim 13>

A system according to claim 12, characterised in that it comprises at least one connection hub (22) suitable for connecting at least two of said interface units (5, 17) to said central processor (2, 15). (Fig. 1)

- <Claim 14

A system according to claim 13, characterised in that it comprises a plurality of blocks (21) each having a plurality of peripheral units (4, 11) and connected to said central processor (2, 15) through a respective interface unit (5, 17). (Fig. 1).

- <Claim 15>

A system according to claim 1, characterised in that the said electronic card (14) is designed to register at least temporarily said data acquired by said detecting means (12) and to affect on them a compression to obtain a higher transmission speed. (Column 3, lines 31-38).

- <Claim 16>

A system according to any preceding claim, characterised in that a plurality of said peripheral units (4, 11) are connected to one another in cascade and connected to at least one of said interface units (5, 17). (Fig. 1).

- <Claim 17>

A system according to any preceding claim, characterised in that each of said peripheral units (4, 11) is suitable for sending through said local central processor (2, 15), a piece of the biometric data detected in tcp/ip network to a remote processor and for establishing a two-way data communication therewith. (Fig. 1).

- <Claim 18>

A system according to claim 1 or 9, characterised in that said electronic card (14) is arranged to be connected to an alphanumeric or graphic display (23) and a respective keyboard (24). (Fig. 1).

- <Claim 19>

A system according to any preceding claim, characterised in that at least one of said interface units (5, 17) can be integrated in a mother board of the central processor (2, 15). (Fig. 1; inherent).

- <Claim 20>

A system according to any preceding claim, characterised in that said physical characteristic feature of the user is his finger prints and the said detecting means (12) is a finger print recognizer. (Column 5, lines 33-35).

- <Claim 21>

Art Unit: 2155

A system according to any preceding claim 1 to 18, characterised in that said physical characteristic feature of the user is his eye retina and said detecting means (12) is retina recognizer. (Column 5, lines 33-35).

- <Claim 22>

A system according to any preceding claim 1 to 18, characterised in that said physical characteristic feature of the user is his voice print and said detecting means (12) is a voice recognizer. (Column 5, lines 33-35).

- <Claim 23>

A system according to any preceding claim 1 to 18, characterised in that said physical characteristic feature of the user are his facial features and said detecting means (12) is a voice recognizer. (Column 5, lines 33-35).

- <Claim 24>

A system according to any preceding 1 to 18 claims, characterised in that said data acquired by at least one of said peripheral units (4, 11) are stored in compact and encoded form by said central processor (2, 15). (Column 4, lines 66-67; Column 5, lines 1-10).

- <Claim 25>

A system according to claim 24, characterised in that between the said central processor (2, 15) and said at least one peripheral unit (4, 11) there is provided at least one level of local processors arranged to make up failures in the network connection between the said central processor (2, 15) and said at least one peripheral unit (4, 11). (Fig. 1)

- <Claim 27>

A system according to any preceding claim 1 to 25, characterised in that the said communication network is a digital telecommunication network. (Fig. 1; Column 4, lines 46-57; Column 5, lines 1-10).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itsumi et al. (U.S. Patent Number 5,887,140) as applied above, and further in view of DePietro et al. (U.S. Patent Number 6,601,045) hereinafter referred as DePietro.

24. With respect to claim 5,

Itsumi teaches data transmit in a communication network (Itsumi, Fig. 1).

Itsumi explicitly doesn't teach using RS485.

However, DePietro in an analogous art teaches using RS485 (DePietro, Column 21, lines 59-65).

- <Claim 5>

A system according to claim 4, characterised in that the said communication chip (18) is of RS485 type. (DePietro, Column 21, lines 59-65).

25. As to claim 5, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Itsumi by adding RS485 that would make the system more meaningful to a user. The incorporation of RS485 in Itsumi would make the system versatile. (DePietro, Column 2, lines 3-6).

26. As to claim 12, the rational given above is applied.

- <Claim 12>

A system according to claim1, characterised in that the connection between each peripheral unit (4, 11) and said interface unit (5, 17) occurs through radio connection. (DePietro, Column 26, lines 55-59).

27. Claims 2,6,8-11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itsumi as applied above.

28. With respect to claim 2,6,10

Itsumi teaches data transfer in communication network. (Fig.1). However, Itsumi explicitly doesn't indicate using of Ethernet wiring or serial wiring. However Ethernet and serial is well known in the art as evident by "Microsoft Computer Dictionary", 5th edition.

29. With respect to claim 8,9,11

Itsumi teaches data transfer in communication network. (Fig.1). However, Itsumi explicitly doesn't indicate using of USB or parallel port. However USB, Ethernet and Parallel port is well known in the art as evident by "Microsoft Computer Dictionary", 5th edition.

30 With respect to claim 26

Itsumi teaches data transfer in communication network. (Fig.1). However, Itsumi explicitly doesn't indicate using of tcp/ip. However tcp/ip is well known in the art as evident by "Microsoft Computer Dictionary", 5th edition.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Bianco et al. (U.S. Patent Number 6,256,737) discloses system for access to enterprise resources using biometric devices.
- Terao (U.S. Patent Number 6,256,402) discloses password input apparatus based on fingerprint recognition of a registered user of a system.
- Nova et al. (U.S. Patent Number 6,636,973) discloses secure and dynamic biometrics-based token generation for access control and authentication
- Uchida (U.S. Patent Number 6,751,734) discloses authentication executing device and method for biometrics identification.
- Houvener (U.S. Patent Number 6,424,249) discloses positive identity verification system and method including biometric user authentication.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached at 571-272-3978. The fax

Art Unit: 2155

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER